

Carolyn Edmonds, *Board of Health Chair*

BOH Members:

Richard Conlin
Dow Constantine
George W. Counts
Jan Drago
Carolyn Edmonds
Ava Frisinger
Larry Gossett
David Hutchinson
David Irons
Kathy Lambert
Frank T. Manning
Bud Nicola
Margaret Pageler
Alonzo Plough

BOH Staff:

Maggie Moran

KING COUNTY BOARD OF HEALTH MEETING PROCEEDINGS

**November 16, 2001
9:30 AM to 12:00 PM**

King County Council Chambers

Roll call

- Richard Conlin
- Ava Frisinger
- Larry Gossett,
- David Hutchinson
- David Irons
- Margaret Pageler
- Joseph Pizzorno,
- Kent Pullen
- Les Thomas
- Alvin Thompson
- Karen VanDusen

Call to order

Vice Chair Hutchinson called the meeting to order at 9:37 AM.

Vice Chair Hutchinson invited Board members to view the archived public health photos on display in the chamber. He announced that there were two revisions to the Agenda: an additional item under the Chair's Report related to identification of an Ad Hoc Selection Committee and the second change under item 4B, Environmental Health Fee packages. He stated that the Board would not be taking action on the fees that day. He added that the Board would hold a special meeting on December 7th to take action; however he did note that the Board planned to still take public comment on the fees. He stated that the Board had anticipated that a number of people wished to provide written and oral testimony. He added that in order to allow for additional public comment time they had added a meeting on December 7th.

Announcement of Alternates

Vice Chair Hutchinson stated that there were no alternates in attendance.

Chair's Report (taken out of order)

Future Meeting Dates

The Board discussed the regularly scheduled Board meeting on December 21st and elected to cancel the meeting.

Local Boards of Health Workshop – recap:

Vice Chair Hutchinson asked Board Member Thompson to comment on his participation in the Local Boards of Health Workshop. Board Member Thompson deferred his remarks in order to locate his notes.

Vice Chair Hutchinson stated that the Governor had established a committee made up of State Patrol, military and Public Health. Public Health was represented by Secretary of Health, Mary Selecky. Vice Chair Hutchinson noted that he had recently attended a meeting related to terrorism response convened by Suburban Cities. He noted that the presenter representing the military made little reference to the role of public health despite the references in his notes. Vice Chair Hutchinson also recalled that they had heard a report from Tom Milne, Executive Director of the National Association of County and City Health Officials. [NACCHO]

Correspondence

Vice Chair Hutchinson stated that copies of the handouts from members of the public who provided testimony at the October meeting were included in the Board packets. He added that information on mercury in dental amalgams would also be made available to Board members when the briefing on that issue was held. He stated that this briefing was planned for either January or February 2002. Vice Chair Hutchinson also pointed out that an announcement and registration form for the Annual Washington Health Legislative Conference was included in the Board packets.

Adoption of the Minutes

(Taken out of order due to lack of quorum at start of meeting)

Vice Chair Hutchinson noted that a quorum had been achieved and called for a motion to adopt the minutes of the October 19th meeting. Minutes were moved and seconded. Vice Chair Hutchinson called for additions and corrections to the meeting minutes. Board Member Pizzorno noted that he was not at the October 19th meeting however the minutes reflected that he was in attendance. Change noted. There were no other additions or corrections. A vote was called and the minutes were approved without further correction.

Election of Officers/Ad Hoc Selection Committee

Vice Chair Hutchinson stated that with Chair Nickels' confirmed election as the new Mayor of Seattle the Board would need to elect a new Chair. He also added that the elected officials from the County and the City of Seattle needed to appoint Vice Chairs. Vice Chair Hutchinson asked the membership how they wished to proceed. The membership elected to appoint a committee with representatives from each of the constituency groups: City, County, Suburban Cities and Health Professionals. The Board members identified to serve on the Committee were: Board Members Pageler, Irons, Hutchinson, and Pizzorno.

General Public Comments (Taken out of order)

Vice Chair Hutchinson invited members of the public to address the Board. He stated that this public comment period would be for issues other than environmental health fees. He consulted with Ms. Lisa McCullough regarding her willingness to address the Board on fees later in the meeting. She concurred. There being no one else signed up to provide general public comment, Vice Chair Hutchinson turned the meeting over to Dr. Plough for his Director's Report.

Director of Health's Report

Public Health Preparedness Update

Dr. Alonzo Plough began his report with an update on the Department's public health preparedness response to bioterrorism. Dr. Plough stated that he had convened a meeting with all of the CEOs of major hospitals and health plans and their medical directors around the collaborative role that hospitals and Public Health needed to play around a bioterrorism event. He noted that that meeting was the best attended meeting he had ever attended at the Washington Hospital Association. He observed that for three hours there was total engagement in the subject matter and strong acknowledgement of the necessity to collaborate, develop action plans and identify resources. He cited a similar meeting that had been convened with First Responders, fire and Hazmat teams wherein they had also agreed to have a common protocol for bioterrorism response. Dr. Plough stated that in each of those protocols Public Health played the incident command role upon determination of a biological risk. He stated that it was a very new role and an important one, for the Department to play. He added that Department representatives had been participating in weekly conference calls with the State Department of Health and were connected with U.S. Center for Disease Control through the health alert system. Dr. Plough stated that one of the challenges of recent events around the anthrax exposures in the East and hoaxes here had been a need for the entire County and almost all of members of the Department to be trained in the appropriate response. He stated that the Department had provided multiple trainings for staff so that a broad array of staff who have contact with patients in various settings understood some basic information about bioterrorism. He added that they had provided technical assistance to the County and helped the County define a new mail handling protocol that incorporated the best of what CDC had recommended to reduce risks. Dr. Plough stated that he and Dr. Duchin had been very accessible to the media to community forums in order to focus the message on broad public health preparedness. He stated that what was meant by broad public health preparedness was not single lines of activity just to deal with anthrax but the overall response to communicable disease control and community engagement.

Briefing on On-Site Sewage Fees

Dr. Plough restated that the Board would not be taking action on the fee package at that meeting. He recalled from the October meeting that Dr. Oleru had briefed the Board on proposed amendments to the food establishment fees, water recreation fees and drinking water fees. Dr. Plough stated that Dr. Oleru would be briefing the Board that day on a slightly different package. He highlighted the changes: the addition of proposed amendments to the on-site sewage [OSS] fees, and the rescinded request to repeal the drinking water program fee amendments.

Dr. Plough stated that they were rescinding the request to repeal the drinking water fees because the State Department of Health list of proposed budget cuts included the subsidy to the Class B drinking water program.

Dr. Plough invited Dr. Oleru to provide the Board a briefing on the OSS fee package.

Dr. Ngozi Oleru introduced herself and her colleague, Phil Holmes. She directed the Board's attention to items in their packet. She stated that they were asking the Board to consider amending the fees for the on-site sewage system program because Washington State WAC 246 and Code of King County Board of Health Title 13 required property owners to properly operate and maintain on-site sewage systems. She added that the WAC regulation required local Health Departments as of January 1, 2000 to develop and implement plans to periodically monitor those systems within their jurisdictions and to assure that each owner properly maintained and operated the system. She stated that the regulation also required local health departments to provide educational materials and operation and maintenance information to owners. Dr. Oleru stated that in order to fund those State mandated programs they were proposing a new \$20.00 fee to the Board to be collected from owners of on-site system tank pumping companies for each sewage tank pumped. She stated that in addition, they were proposing an amendment to Title 13 to require the persons performing pumping activities to forward those fees to the Department when they submitted their monthly operating reports. Dr. Oleru stated that the new fee would offset the cost of on-site sewage system operation and maintenance monitoring activities. Dr. Oleru described those activities as follows: county-wide monitoring of all on-site sewage systems; compilation and maintenance of a data base of all OSS; identification of failing OSS; consultation and enforcement as required to correct failing systems; tracking maintenance activities of systems and mailing reminders of owners' maintenance responsibilities; and preventive maintenance education for property owners. Dr. Oleru stated that in addition, they were working in cooperation with the Department of Natural Resources insofar as complying with mandates that affected ground water.

Dr. Oleru stated that the operation and maintenance [O & M] monitoring program was currently funded by a two-year grant from King County Department of Natural Resources [DNR]. She added that that funding would expire on December 31, 2001. She stated that they had made some progress to establish the program but much work remained to further protect the public's health. She stated that without the new fee, a 23% increase in existing application and permit fees charged to property owners for design and installation of on-site sewage systems would be necessary to fund the operation/maintenance monitoring program. She estimated that there were approximately 100,000 individual on-site systems within King County. She added that the tanks of all those on-site sewage systems must be pumped periodically in order to ensure proper functioning. She stated that owners gained a particular benefit from the maintenance program that helped them to avoid costly premature failures. She stated that the new fee would give the Department revenue to continue to implement the State mandated on-site sewage operation and maintenance-monitoring program.

Dr. Oleru cited other counties in the State that used this mechanism to fund the State mandated program - Whatcom, Kitsap, Clark, and Skamania Counties. She stated that those counties supported their programs using fees on septic pumped from septic systems. She stated that if you assumed a 1,000-gallon septic tank, most of the counties fees ranged from \$15 to \$45 a tank pumped.

Vice Chair Hutchinson acknowledged Board Member Pizzorno.

Board Member Pizzorno asked how often tanks were pumped.

Dr. Oleru responded that the program they sought to implement required pumping every three years.

Vice Chair Hutchinson recognized Board Member Van Dusen.

Board Member Van Dusen stated that there were a wide range of operation and maintenance requirements depending on the type of system. She asked what the current program requirements were and how the County was implementing the program. She stated her concerns about funding the program and compliance with State laws. She wanted to know how the Department arrived at their decisions to tie the fee to the pumpers as opposed to tacking on an additional fee to the original homeowner's fee since it was a homeowner's responsibility.

Dr. Ngozi Oleru responded that the homeowner fee that came with the permit and design application occurred prior to the installation of a new system. She added that the program related to an existing system and the maintenance of that system. She stated that the target groups were the people who already had an existing system, as failures to those systems affected the environment and the public's health. She added that they already had a reporting system in place for people who pumped, and therefore it would be just another part of their report submission to the Department.

Board Member Van Dusen wondered about whether or not there were other mechanisms such as an increase on fees related to repair permits.

Dr. Ngozi Oleru responded that that approach would still not provide the universe of people who had systems and furthermore would not relate to the services that were provided.

Dr. Ngozi Oleru added that they were mandated by the State to develop a database in order to be able to carry out the educational program also mandated by the State. She added that in order to create the database they needed to know who had on-site sewage systems.

Board Member Van Dusen asked if the Department currently knew where the existing systems were.

Dr. Oleru responded that they did not have all of the systems entered into their database. She added that the grant from DNR helped to fund the database development but that this work was not completed.

Vice Chair Hutchinson acknowledged Board Member Pizzorno.

Board Member Pizzorno paraphrased his understanding of the mandate. He stated that the State mandated that the Department do inspections of the septic systems to make sure that they were functioning properly and that the Department was proposing a way to fund this activity.

Dr. Ngozi Oleru responded that Board Member Pizzorno's statement was correct. She added that the State required that owners properly maintain and operate their systems and that the program to do that included having certified maintainers conduct the inspections.

Board Member Pizzorno asked why the Department didn't just charge a fee upon inspection. He asked why the fee was attached to the pumping and not directly to the activity - the inspection.

Dr. Oleru responded that they did not have a program in place; that they were in the process of building one. She added that they needed to build a database with a notification mechanism to remind homeowners to have their systems inspected. The first step to building the database was to determine where those systems were and who owned them.

Board Member Pizzorno asked if the Department had accurate records of all systems built over the years.

Dr. Oleru responded that the Department did not have accurate records.

Vice Chair Hutchinson acknowledged Board Member Irons.

Board Member Irons asked why the Department didn't capture that information when they issued permits for a new system.

Dr. Oleru responded that they had for the newer systems but not for the older systems.

Board Member Irons asked when the Department had first begun to capture that information.

Dr. Oleru responded they had first begun to capture the information in 1986.

Board Member Irons stated that the Department had estimated that there were approximately 100,000 people with on-site drain fields. He asked of those 100,000 how many of those systems did they currently have recorded in the database.

Dr. Oleru indicated that she did not have the number, but could provide that information to Board Member Irons at a later date.

Board Member Irons asked whether the proposed \$20 for pumping was per tank. He stated that the newer systems actually had two tanks.

Dr. Oleru responded that yes, the fee was \$20.00 per tank..

Board Member Irons asked what the total anticipated revenue would be annually.

Mr. Phil Holmes responded that it would be approximately \$300,000.

Board Member Irons asked how much of that amount would be used in the first two years to hire staff and get equipment on line vs. used to provide education and on-site inspections.

Mr. Holmes responded that they estimated \$108,000 would be used in the maintenance monitoring program which was a combination of data base development, tracking activities, sending mailings to OSS owners and general public education and about \$126,000 would be used to conduct investigations of failing OSS systems.

Board Member Irons asked for clarification on the latter amount.

Dr. Oleru responded that the \$126,000 would cover staff time to do the investigations.

Board Member Irons asked what the follow up would be once they found a septic system that was not functioning properly.

Dr. Oleru responded that the follow-up steps would be to require the property owner to fix the system. She added that they would monitor the system to assure that the work had been done and met requirements.

Board Member Irons asked what the vehicle would be for communicating the requirements of the system.

Dr. Oleru stated that the property owner would retain a technical person to do the work. Upon completion of the work Department staff would do a follow up inspection to make sure that the work was done properly.

Board Member Irons asked what would happen if the property owner disagreed with the Department's assessment of their system. He asked what scientific information would the Department provide to the homeowner that their system was failing.

Dr. Oleru stated that their assessment would be based on visual inspection.

Mr. Holmes added that pumpers would do a visual inspection. He also added that testing would be done.

Board Member Irons asked whether they had confidence that the type of information they were using was sufficient to take action. He stated that he wasn't sure that they were setting up a process that was going to be able to give a property owner sufficient information that their system was failing. He added that perhaps that was because the program was still under development.

Dr. Oleru stated that in order to know what problems were encountered by individual systems they needed to know what individual systems existed. She stated that as they were building the database, they would be noting the types of systems, the types of problems each system encountered and the universe of solutions that would be available.

Board Member Irons stated that what he was trying to arrive at was what would happen if a property owner disagreed with their assessment.

Dr. Oleru responded that they would prefer to come to a workable solution. She added that they would explain their perspective and listen to the property owner about alternatives. However, she stated that when those efforts failed they would need to take enforcement action.

Board Member Irons asked Dr. Oleru to define what was meant by enforcement action.

Dr. Oleru responded that final enforcement action would be to condemn the system.

Board Member Irons asked if condemning the system meant actually tagging the house as uninhabitable.

Dr. Oleru responded that Board Members Iron was correct.

Board Member Irons asked what was being done to identify potential sources of funding for the elderly or disabled who lived on fixed incomes and were suddenly faced with a \$15,000 bill to replace their entire system.

Dr. Oleru responded that their goal was to create a system that encouraged people to maintain and monitor their systems so that they need not incur a \$15,000 repair fee. She added that as they built the program they would need to identify options available for financing repairs.

Board Member Irons asked if there was any information about grant programs or federal or State funding that they might be able to bring to the table for someone in that type of situation.

Dr. Oleru responded that they had recently hired someone in the Department whose responsibility would be to research grant opportunities.

Board Member Irons stated that he would like to see that part of the program flushed out. He stated that he thought part of the goal should be to assist those people living on fixed incomes to find some alternative ways to fund the repairs. He added that public health was not just about finding the problem, but helping to find the solution.

Vice Chair Hutchinson acknowledged Board Member Van Dusen.

Board Member Van Dusen asked how failure investigations were currently funded. She stated that her concern was that they didn't have an accurate count of who had on-site systems and thus needed to increase the database. She stated that she wanted to make sure that as they developed compliance with the State requirements that the money that came into the program from this fee went towards the development of the new program.

Mr. Holmes responded that traditionally current expense tax support had funded investigations of potential OSS failures. He stated that they had not designed, nor had intended for the basic permit fees or site development fees, to cover that sort of activity. He added that it had traditionally been a tax-supported effort.

Board Member Van Dusen asked if they were implying that some of the tax support would be shifted over to fee support. She also asked if they were intending to enhance the on-site sewage program or just looking to find an alternative funding source to maintain the status quo.

Mr. Holmes stated that the OSS maintenance and monitoring, primarily the education and data base portion was a separate program funded previously by a grant. The fee is designed to replace a funding source that was set to expire at the end of the year.

Dr. Oleru stated that longer term, their objective was to reduce the number of failures that they had to investigate.

Board Member Van Dusen stated her concurrence that the entire purpose of the operation and maintenance program was to maintain systems in order to prevent failures. She added that she thought there was a huge element that related to the protection of ground and surface waters and the protection of people. She added that she thought it would be helpful if the staff walked the Board through the program at the next Board meeting. Specifically she mentioned she wanted to know what the program looked like, what the Department did and was planning to do and what the fee supported.

Dr. Oleru responded that staff could provide that information.

Vice Chair Hutchinson called for additional comments. There were none. Vice Chair Hutchinson announced that the Board would now open the floor for public comment on the environmental health fee packages. He indicated that he had a list before him. He announced that he would call each individual by name and asked that they go to the podium on either side of the room. He asked that each person limit his or her comments to three minutes.

Public Comment on EH fees packages

(This section was formatted for ease in reading. Board of Health staff did not edit public comments.)

Richard Ludwig:

Okay. Richard Ludwig from 23422 SE 158th in Issaquah. I'm happy to be back here. I see some new faces. I think most of them recognize me. I'm with the Small Well Owners Association. I've worked with this Board, particularly with Dr. Plough a long time. It was good news doctor to hear that you had removed that fee for system evaluation of wells from the budget. I know there's a lot of well owners that are indeed happy. Thank you. But let's not get overjoyed. I come here today with the hope that the average rural homeowner's rights and voice will be reflected in the decisions that are made. For too long the bureaucrats and the industry representatives have dominated this Board at the expense of the homeowners. More and more as I attend these meetings I feel that I am before a French court and you know what the French court is like - I'm guilty, I must prove my innocence. That's about backwards of our system. But more and more, ladies and gentlemen, my writing is terrible. This is the reason that you're going to see and you have seen more and more initiatives, because the public has lost confidence in being represented. We are on the outside. I talked to homeowners after homeowners; I still get a lot of calls on wells and the sewage system. It is my hope now that this new Board will demonstrate more respect and consideration for those such as myself and others who feel left out of the process. Most of us are retired and living on a fixed income where increased fees and more regulations have a substantial effect. I'm on a fixed income, my well went sour. I put a new pump in this last week, \$1,700 for the pump. I've got to put new tanks in. I'll end up with \$4,000. I pay for my system; I don't need more fees from you folks to take out of my pocket. And I'd like to go on just a minute. In regard to the fee changes, Dr. Plough said, quoting his letter of September 9, 1999, when the on-site sewage program was put into effect, "An estimated \$33,400 of federal program costs in the 2001 and 2002 budgets says that no failure fee increases would be required before 2003." Now here we're back for more money.

We would return to this court and review it because the Small Well Owners along with many others objected to, we had umpteen amendments that we're alternating down, I think with those that were here recall that. And we were assured by the Board that we would have a chance to review that and it would be reviewed. To date, we have received no notice of that and there has been no review. Okay. Well, I just wanted to say at the end that to date I have received no flyers, no educational material, none of that which was suppose to be the backbone of this program. Thank you very much.

David Lowe:

Thank you for the opportunity to speak this morning. I can have an awful lot to say, but I'll keep my comments brief and to the point. And that is, I do agree that an operation and maintenance program is necessary not only for King County but for the rest of Washington. My issue this morning is with how the fees are collected. In other jurisdictions as which was suggested by one of the Board members this morning was to collect a fee at the time a permit is issued. In talking with staff about the types of revenues and the amounts of revenues that are trying to be collected I heard a number of around \$200,000. In Snohomish Health District they collect a one-time, depending on the system, it may be \$140 or \$280, depending upon the system at the time of permitting. In 1998 King County issued approximately 1,500 permits to install new on-site sewage systems. If \$140 fee was charged at that 1,500 system level was maintained, you're looking at about \$200,000, \$210,000 of revenue annually. Currently as in the Code that was adopted in 1999, King County is accepting a fee or requiring a fee of \$10 for each operation and maintenance report that's turned in. Most of the alternative systems are at least reported once a year, some twice, some four times. So there's already a potential as time goes on and more and more systems are folded into the program. A significant amount of ongoing revenue enhancement or revenue flow. I think in the year 2002 if the fee was charged at the time the permit was issued, which is very relatively easy to get, there's one check and you're not really requiring an entire industry to do the collection of that \$20 fee, \$40, in some case, \$60 every time a system was serviced, I think you'll have the revenue, you'll have it charged to where it needs to go. It's the newer systems that are actually being put on the O&M program first. The older systems are being folded in as either repairs are done or as homeowners volunteer. But it's going to be very difficult on a 30-year old system to go out and say, "You will now have to maintain the system," primarily because the gravity systems the homeowners can do those inspections and there's no requirement for them to submit monitoring inspection forms. So it's going to have to take some time before "all systems are actually being reported on some sort of regular basis." I know I am running out of time and I could go on for quite a long time. I would make one request and that is either staff or this Committee involves the industry in input on how to implement these programs. We have an awful lot of experience. We've been promoting this type of a program for at least a decade now. I know that I've been involved in it, and I think that it could be workable where if not all, most concerns can be addressed and overcome. Thank you very much for this time.

Les Eldredge:

My name is Les Eldredge, P.O. Box 259, Lake Stevens, Washington. I'd like to first read a letter that our company, oh, I'm Chairman of the Board of Evergreen Sanitation, Inc. I'd like to first read a letter that we wrote to Ms. Moran. She probably hasn't received it yet, and I have copies enough here for every Board member. "Dear Ms. Moran: Evergreen Sanitation, Inc. and its subsidiaries would like to express our extreme displeasure with the proposed rule changes regarding operation and maintenance monitoring fees. We are opposed to being a tax collector for King County Health Department. This just adds to the very long list of State, Federal and County agencies that we are already collecting tax and doing the accounting work for. It would put further undue hardship on our company if we are required to collect and forward this tax to the Health Department. It has been a long time goal of our company and the industry in general to encourage people to properly maintain their on-site systems to protect public health and preserve the environment. The increased costs of cleaning one septic tank will certainly not serve as an incentive for timely pumping and will be even more difficult for people on a limited income to afford. There are several options for funding this program that

would be much more favorable to both the industry and the public in general. Evergreen Sanitation along with many others in our industry would have welcomed the opportunity to offer some alternatives that would serve to fund the program with the least amount of negative impact. It must be noted here the very short time allowed for response to this proposed rule change. My office received your notice on November 7, 2001, which allowed only six working days to respond. This was certainly not sufficient time for our industry to confirm with the Washington On-Site Sewage Association for feedback and guidance. In the future we would recommend allowing the industry a reasonable amount of time to properly respond." In addition, I would like to say in my 30 years in this industry I have sat on many, many committees for Washington State Department of Health, various health districts and the Department of Ecology. It seems like we've kind of had a poor way of developing regulations. That is, regulators go into a room, lock the door, write regulations and then industry goes into the room across the hall, locks the door and figures out a way to get around them. Doesn't make sense to me. Let's get in the room together, let's write regulations that work in the industry and that work in real life. The database that we're talking about that we need is already there. The pumping industry has been providing health district with a pumper's report every month for 10 or 11 years. So every septic tank in King County that's being cleaned in the last 10 or 11 years, you have a record of that. You have the address, you have the customer's name. That's a good database that you can work from. I have a lot more to say, but obviously my three minutes are up. Thank you very much.

Lisa McCullough:

My name is Lisa McCullough. My husband and I, Darren McCullough, live at 30010 Retreat Kanasket Road S.E. in Ravensdale. We are the owners of Lilly Septic Service. We service South King and North Pierce. I just want you guys to take a look at some things hard before you, you know, make a decision on this whole situation. Whereas Pierce County has had a, has implemented this entire monitoring maintenance program already, and by doing so it requires no pumping firms to collect the money for them and send that in along with our monthly pumping reports, which we do do for Pierce County too along with King County, which we've been doing for the last at least I would say probably 15 years. The way that Pierce County works with this is they send our customers a notice stating that they need to have their septic system pumped, serviced, monitored, by a pumping firm that is certified by the County, and then to send that paperwork back into the County with their fee, even if they do have a fee, I'm not certain on that. But I think that that some other way would be a much, much better alternative than having us have to tell our customers on every call that their pumping cost is going to go up \$20 to \$40. If they have three tanks on their system, which who knows, it depends on the actual system they have, could go up to \$60 more than our fee itself. I can just see that these people are just going to say, you know, "Well, we're just not going to pump our system then." I can really see that happening. I just wanted to make sure that you folks take a real good, hard look at other alternatives that we can do to implement other than having us as septic pumpers collect this fee. We're already going to have to possibly hire staff for our companies to do this, to make out the reports and make sure that those checks, I don't even know how we would do this. Are we going to have to collect this and report this on our gross income now even though it's not something that we're charging for? That's about all I have to say. Thank you.

J.R. Inman:

I'm J.R. Inman. I'm with Northwest Cascade, P.O. Box 73399, Puyallup, Washington. We actually operate in about nine different counties in and around the

Puget Sound area, including most of the ones that you've listed. So it's interesting to me when they listed the counties how they collect fees and how it was stated, numbers of something you can do anything you want with. We actually are for the program and for the County doing something that has to do with operation and maintenance in a positive fashion. I do appreciate some of the comments and questions from the Board members that are very appropriate and I can eliminate some of mine off of here that were written down. The fee collection and how it is done is definitely a question you're hearing, not that it should or shouldn't be done. The questions of so what's happened for the last two years in this program that really doesn't have a lot of teeth or anything behind it is a huge question. If there's been a grant for two years, really causes me if I was living in this County to say, "What am I paying these dollars for?" Things that become inequities are how many tanks a person has on a system. Some people have said that there's two. There's actually systems out there that have more than two, up to three and even four tanks on a system. And if you're paying on a per tank system, that may not be real. You're also asking to pay for people that are willing to do maintenance and there's a lot of tanks out there that when you go check them do not necessarily need to be pumped. As a company we recommend that people pump them when it's necessary, not every three years or whenever somebody tells you to it is generically sane to do it. Okay? So there's some inequities in it. The collections of the fee that you're referring to most of them don't do it on a per tank, they do it on gallons dumped at the treatment plants, which is a lot different than how it appears in this document, and they do it on a minor amount of percent of a gallon or cents per gallon, partial cents per gallon or pennies per gallon dumped at a treatment plant. So I would encourage that you look at it. Most of these other counties, working in nine other counties, I've actually sat in with industry. Up to five of the counties invite industry in and say, "How do we do this?" and we help figure out a way to do that. In King County we are installers, operation and maintenance, and pumping specialists and do all of that work. We believe that the fees need to be assessed somewhere. There is an appropriate place. The way that it's being asked in our opinion is not appropriate. There are better ways of doing and coming up with the same program. Just looking and seeing what I left off here. Anyway, we would be happy to be involved with any of the County, if they would ask us, we would be happy to be involved in helping figure out an appropriate way to collect the fees and do the work. Thank you very much.

Pam Otteson:

My name is Pam Otteson. My address is P.O. Box 6191, Federal Way, 98063. Several of the comments that I was going to make have already been covered, so I have deleted them. But I would like to say that when I am referring to the Health Department, I'm referring to the Waste Water Division. I have no knowledge of any of the other divisions and how they operate. I'd like to give you a little scenario of how the Health Department currently operates. 11/20 of the year 2000 I wrote a check for our 2001 licenses. I receive our license back postmarked June 24th, only because I called and rant and raved because I physically needed a copy. Other companies didn't receive theirs until October. That's a \$550 fee, they can't get the licenses out. The Health Department couldn't get the notice of this meeting to the correct address, it was sent to the previous owner's address, which is two years old. For the 12, last 12 repair permits I have submitted I have had to return because they were sent to me missing vital information over incorrect information only. A few months ago the list from the King County Website for pumpers was updated. Before that it was 1997. It only got updated because I called my Council representative. I believe the timing was right. It's still missing four licensed companies even with the

update. I received a letter on October 2nd questioning verbiage on our reminder cards. I had to leave three voice mails over the course of six weeks before I finally got a call back yesterday. They're not doing their job now. How will they do they're job better if this was implemented? We had one customer with a failing septic system that despite efforts in conjunction with the designer have not been able to come up with a design that the County would approve. In order to keep septage from surfacing they keep an eye on their tank and have it pumped before it floods. If these fees had been in place since that system started to fail, they would have paid \$280 in fees to the County. In addition to that, now they have to pay for a new system regardless of those fees. In the last 12 months our little company with one truck would have paid \$18,900 at \$20 a tank. There's approximately 100 trucks licensed by Metro, that's per Metro. That would be a windfall of \$1.89 million. That's a lot different than the \$300,000 that they're estimating. The truth is no one reports how many tanks are pumped. They have no idea how much money they're really asking for. They know how many gallons, but they don't know how many tanks. I had to go back into my computer to get how many tanks because we don't track that information. If we're going to be collecting these fees and sending it to the County, it would significantly increase our administrative costs. Running the money through our books would cost an increase in our taxes. We accept Visa and MasterCard so we can take them over the phone when landlords can't be present. I'm not willing to take the discount myself on the \$20. What about customers who refuse to pay the fee? It happens. People refuse to pay sales tax. What about when we do a charity job? "We're not going to charge you for this, but by the way, we need \$20 for the County." What about NSF's? This would be an unfair burden to septic companies. Thank you.

Gary Harwood:

I'm Gary Harwood, residence Sunset Septic Tank Company, Inc., 918 Central Avenue South in Kent, Washington. I'm a certified designer, installer and pumper. I received a letter seven days ago that this fee schedule was going into effect. I'm kind of concerned, in fact we get, like a lot of people we get so much correspondence all the time that sometimes you read things but you don't really think. When I was reading, going over this and going, "Well, yeah this is the checklist, we're doing this and we're doing this and this." Then boom, I finally get to the bottom line and I'm going, "Whoa, wait a minute, \$20." Right away wheels start spinning in my head. "Boy I can see a problem here, I can see a problem there," whatever. I'm not against collecting a fee for operation and maintenance. Twenty years ago in a King County meeting I stood right up and said, "We've spend thousands of dollars on design. We spend thousands of dollars on installations. And then what happens?" Nothing. You know those educated people more in the Health Department ever thought about, guys sitting right around in this room. I'm not against the fees; I'm against getting a letter seven days before a fee is going to go into effect. We've got valuable people in our industry. We've got valuable consumers out there. We've got valuable people in the Health Department. Why in the heck can't the three of us get together and come across something that's equitable and reasonable? Not seven days before we have to come to a meeting and throw things together and I call this guy and that guy, that's all I ask. Everything that was said in this meeting, I mean, I didn't have hardly anything left to say because it was all said. But gosh, regulators, give us a chance, we'll work with you. We want to work with you. We don't want sewage in the creeks and we don't want sewage on top of the ground. We want to work with you. Give us a chance. I'd serve on a committee to help do it. I just think we're trying to get through this maybe a little too fast or a little

faster than need be. So that's about all I've got to say about it. Thank you very much.

Peter Primeau:

Peter R. Primeau, 1808 West Lake Sammamish Road S.E., Bellevue, Washington. I'm a designer, a pumper for 45 years, licensed plumber and electrician. I have no qualms; the fact is I've pushed O&M in my business for probably the last 20 years. I don't want to collect the fees for the County. It's a fee that's a real problem for the plumbers to collect because in my industry we fix furnaces in my heating business portion of it, and the customer will never question that price of a furnace repair. They say, "Come fix my furnace." But they'll go down the list and check everybody's price on the pumping. And so we will have to tell them that there will be the \$20 fee per tank, which kind of gripes me too because it's per tank. It should be, if there's a fee, it should be for a system for maintenance. But somebody out of the County who doesn't necessarily have to even report that fee would be \$20 or \$40 or \$60 under me for a price. Most of the stuff has been said and I'm not the world's best orator, we have to get together to figure out the fees. The fees are necessary. There are already plenty of fees; there's already a database. And I would like to be in on figuring out these fees so that we have a very good operation and maintenance program in this County. I thank you very much for your time.

Randy Bannecker:

Thanks Mr. Chair. My name is Randy Bannecker; I'm representing the Seattle-King County Association of Realtors. We certainly support healthy, safe septic systems. We're also always concerned about any additional costs to home ownership and affordability. And while these fees are not huge, they're yet one more fee and it's kind of the straw on the camel's back. What we've heard today I think gives the Department an opportunity to benefit from the industry's expertise, particularly with education. And I would urge that you pursue that. I know the pumpers' _____ was stated report addresses and gallons pumped to the County, maybe that's a great way to begin to build the database. Perhaps fees are needed. Maybe they don't have to be as much as \$20 per tank. Maybe we can look at an average, just bring down that average, looking at average numbers of tanks. And again, the disincentive to the person who is trying to make the good effort to keep their system functioning well is an important thing to consider. You're going to charge the people who are doing the right thing and those who are not being as responsible in operating their systems will not be paying the fee because they're not pumping. So I just ask you to think about the cost. Thank you very much.

Darren McCullough:

Darren McCullough, 30010 Retreat Kanasket Road SE in Ravensdale. I'm not sure at which point the County decided to take it under their responsibility to notify people and education homeowners on their septic systems. Every person in this room as a septic company has a rapport with their customers and part of that rapport is honesty in telling them how to maintain their system, what it's going to take so they're not going to have problems. The last thing we want is our customers having problems. And at no point did they ever receive anything from the County helping them with this problem. They strictly rely on us. If they have questions, the last person they're going to call is the County. They're going to open up a phone book and find who pumped their septic tank last and call them with their questions, because they know that the person who pumped my septic tank last was honest, straightforward and they're going to answer my questions and not to give me a runaround, you know, and say whatever it takes to get me off the phone. And we are responsible for educating our customers. It is not part of the County. Okay. This is our livelihood. We make money on what we do in serving these tanks and if you think we're going to go out there and mislead our customers and say, "Oh, you need

to pump every 10 or 15 years," that's wrong. This is how we make our living. And if we maintain your systems every three years for that particular customer is what it takes to maintain that system, then we're going to do that. But we're not going to tell an old and elderly senior who lost her husband 15 years ago, "You got to pump your tank every three years or it's going to fail," because it's not. And that is absolutely wrong for the County to step in and say, "You got to do it every three years because we flat want your money," because that's all it is. If they've already miss, I mean, mismanaged the _____ from the last two years, the pump reports have been there, the as-builts have been there, they should have dedicated some of that money to entering the stuff into the computer as opposed to waiting until the last straws about to drop and the check's going to run out and then stick their hand out for more money. The monies have been there, they just misallocated funds and, I mean, like I, I guess my biggest thing is the County has never educated the customers, we have, and they know that. So why should they start now? We will educate our customers. We will tell them you need to use this soap, don't use these soaps. You got _____ problems, are you taking medications? You know, we are out there dealing with the customers, being honest with the customers, and helping them with the problems that they're having with system, not the County. And at no point are they ever going to be there to help our customers that way like we are because we want them back as a customer. It's not a one-time thing. We don't want to see them, do a job on them and then hope we'll get a customer somewhere else. We want them for life. And you can ask every person in this audience and that's exactly what they're going to tell you. We don't look at you as a meal ticket for today; we look at you because we want to have you around for the long term, not just for the one-time job. And that is how every person in this room does, we are with our customers. So that being said, I appreciate it. Thank you.

Director of Health's Report (continued)

Vice Chair Hutchinson acknowledged Board Member Pizzorno:

Board Member Pizzorno thanked Mr. McCullough for his passionate plea. He stated that obviously inspecting sewer systems was going to incur a significant expense. He stated that based on what Mr. McCullough had said, he wondered if they could help the Department by notifying them when they encountered sewage systems with problems.

Mr. McCullough responded that they already were appointed to do just that. He added that they did notify the Department out of respect for their customers. He stated that they filled out their monthly pump reports and indicated the status of the systems pumped. He stated that currently, for sales, the County had implemented a health letter. He added that the people that go on site are primarily looking at water plants or surface water; they are strictly relying on their pump report, their certification saying baffles are fine, tank conditions fine. He added that the information provided in the health letter was provided by the pumpers in their reports and not what they [staff] saw when they went out to the site. He stated by the time they [staff] went out to the site the tank had already been covered. He stated that he had actually had people tell his customers, "Cover your tank back in because even though you're getting a health letter, if someone falls in that tank, we are absolutely not responsible." Mr. McCullough stated that the staff wasn't looking at the tank, in the tank or anything to do with the tank. He stated that all they were doing was looking for surface water. He stated as a matter of fact, that a couple of his customers had actually come back and called him up after they paid the Health Department for a health letter and said that the county person had driven by in a white County car, slowed down and kept on driving. He added that his

customer had said that the county person didn't even take time to get out of the car to inspect the drain fields or even to look for ground water or surface water, and yet they apparently had no problem cashing the check.

Mr. McCullough stated that in addition to keeping the County abreast of the status of systems through the pump reports they also kept the public abreast of what was going on with the new systems. He stated that a person with a pump system, a pressure system, was going to have different maintenance and monitoring requirements than a person with a system installed 10 years ago. He stated that the more moving parts the system had the more problems that could arise. He added that with the new pressure systems there were pumps, floats, electrical for example and there were more things to monitor. He added that he thought the wrong people were getting the money for the monitoring.

Vice Chair Hutchinson acknowledged Board Member Thomas.

Board Member Thomas asked Mr. McCullough if his business sent out reminder notices to his customers.

Mr. McCullough responded that he had already implemented the reminder note process.

Board Member Thomas asked how often the notices went out to his customers. Board Member Thomas also asked if they took into account the number of people in the household when calculating their recommendations regarding frequency of the pumping.

Mr. McCullough responded that they did take the household size into account and noted their recommendation on the receipt. He stated that even similar sized households, differences occurred depending upon the gender of the household members. He stated his concern that if you offer a blanket recommendation of every three years and with fees rising each year, people would not get their systems pumped - just the opposite of what the program was designed to accomplish. He added that the only reason a property owner would get their septic pumped was because they trusted the person that came out and talked to them the last time and not because they were going to get a letter from the County requiring that they get the system pumped and pay a \$20.00 fee.

Vice Chair Hutchinson acknowledged Board Member Van Dusen.

Board Member Van Dusen stated that she was concerned about a couple of things. She stated that she was concerned that they had included in the amendment the assignment of responsibility to collect the fees to people who had not been consulted. She stated that she was concerned that they had this requirement in the State regulation for a long time and she knew this because it went into effect when she worked at the State and she had been away from the Department a long time. She added that she was surprised that this County, a trendsetter for public health, had not already implemented a strong program. She said that she was concerned to hear that the only program they had in place was apparently something that was grant funded and she hadn't heard what the grant enabled them to do. She confirmed that she had heard that there were apparently no objections from the pumpers on the other amendment related to a 45-day turnaround but she had heard from the pumpers that they were charged to do something without having been consulted.

Ms. Van Dusen stated that pumping did not equal operation and maintenance. She stated that what this program mandated them to do was to assure that homeowners accurately, adequately, and appropriately maintained their systems. She stated that there wasn't anything in the WAC that said property owners must pump at a certain frequency. She

stated that there were requirements that called for certain checks on certain frequencies because of the kind of systems. However she noted that that was entirely different than pumping. Ms. Van Dusen stated that pumping might result from an operation and maintenance check, but that they should not be considered one and the same. Ms. Van Dusen stated that it would be important to understand how the program had unfolded in the County and in the Department. She also stated that she thought the Board needed to charge the Department with the responsibility to talk with the pumpers and then come back to the Board with more information about alternative funding mechanisms at their next meeting.

Vice Chair Hutchinson acknowledged Board Member Irons.

Board Member Irons stated his support of Board Member Van Dusen's remarks. He stated that what he had heard suggested that 10 years worth of pumping records would make an excellent start in building the database. He added that it also sounded like there might be alternative ways to implement the program. He suggested that it might be worthwhile to look at Pierce County a bit more closely and learn how other counties were doing. He stated that it made sense to him to involve the industry. He stated that addressing failing septic systems was something they all wanted to see and the question was how to go about it. He added that working with the industry and property owners as partners made sense. He said that he had heard a number of people in the audience volunteer to help the Department and that he would be interested in seeing that happen.

Vice Chair Hutchinson stated that he agreed with Board Member Irons. He added that in fairness it would be important to learn from staff how they arrived at their proposal. He stated that sometimes they did not always fully understand the big picture and how the program staff arrived at their decision.

Dr. Plough responded that the Department would follow up on a number of things. He summarized what he had heard from Board members. He stated that Board Member Irons wanted a logic or flow chart of all the kinds of things that would happen sequentially from early preventive interactions through final regulatory actions on a failure, and asked that it be tied to an operational model. He added that they would also talk with any individuals that they had not yet spoken with, before the next meeting on the 7th. He stated that he knew staff had already reviewed other funding models from adjacent counties and that they would share their analysis more explicitly with the Board at the next meeting. Dr. Plough stated that he welcomed their advice if there were things that the Department could do to more creatively fund the program. He stated that he thought what they needed to do was refresh the Board on the requirements of the State WAC. He stated that once again they were responding to something that the State told them to do - an unfunded mandate -- in a time when there was not CX money available. Dr. Plough restated that the reason why the Board was asked to postpone final decision making or rule making on this matter until December 7th was that they did not feel that they had given sufficient time for the kind of interaction needed to reach a final resolution.

Vice Chair Hutchinson acknowledged Board Member Pizzorno.

Board Member Pizzorno asked that staff also address the feasibility of the pumpers notifying the Department about problem tanks rather than the Department having to create another large staff process to investigate those 100,000 tanks.

Vice Chair Hutchinson acknowledged Board Member Van Dusen.

Board Member Van Dusen suggested that Dr. Plough, in his review of the requirements of the WAC, also respond to her request for an overview of the operation and maintenance program.

Dr. Plough acknowledged Board Member Van Dusen's request and indicated that he would ask staff to address that as well.

Vice Chair Hutchinson announced that if people in the audience wished to receive information about the meeting on the 7th of December that they sign up on the mailing list request form located on a table in the foyer.

Vice Chair Hutchinson acknowledged Board Member Irons

Board Member Irons asked Dr. Plough if there was sufficient time before December 7th to allow for the type of dialogue and research that the Board had suggested.

Dr. Plough responded that given the urgency of the matter and the passion of the group that they would find the time to meet before the 7th.

Board Member Irons responded that if they were unable to meet it wouldn't be catastrophic to carry the issue forward an additional month. He added that he would prefer the work be done and done well.

Dr. Plough responded that they would make every effort to accomplish the work before the 7th of December.

Vice Chair Hutchinson invited Dr. Plough to continue with the next item under the Director's Report.

Alcohol Impact Areas

Dr. Plough invited the next presenters to the table. Dr. Plough stated that at the May Board meeting, the Board had heard, during the Public Comment period, from a Ms. Joan Lawson, Executive Director of Capitol Hill Chamber of Commerce, regarding the problem of chronic public inebriates. The Board, at that time, indicated their interest in a follow up briefing on the work being done on alcohol impact areas and good neighbor agreements. Dr. Plough indicated that the briefing was designed to address the questions the Board had raised in May; specifically, the impact on nearby neighborhoods, the impacts on social interaction in places where purchases had previously been problematic and the overall status of the program.

Dr. Plough stated that members of the Public Inebriate System Solutions Committee would brief the Board. He turned the meeting over to Mr. Patrick Vanzo from the County's Department of Community and Human Services to lead that discussion.

Mr. Vanzo suggested that his colleagues on the panel introduce themselves to the Board. Other members of the panel included: Shannon Doolittle, Director of Community Action Partnership in the International District; Nancy Woodford, a Pioneer Square resident and the community representative for the AIA; and Gary Johnson, City of Seattle Department of Neighborhoods, and liaison between Seattle City government and the five downtown neighborhoods.

Mr. Vanzo stated that the Board briefing would consist of short presentations followed by the opportunity for the Board to ask questions of panel participants. He thanked the Board for their continued interest and support of the issue. He directed the Board's attention to item number 6A; the resolution passed by the Board on March 20th 1998. Mr. Vanzo stated the Board's resolution provided an excellent stimulus to garner support from other colleagues and elected officials and that we was happy to report some progress. He added that they had also run into some snags along the way and that he would be describing both their achievements and the challenges that they had encountered.

Mr. Vanzo recapped the history of the Alcohol Impact Areas [AIA]. He stated that in 1996, Ron Sims, then a member of the County Council, convened the Chronic Public Inebriate System Solutions Work Group. Mr. Vanzo stated that the group was founded on a belief that a comprehensive collaborative strategy with broad private and public support could provide reasonable solutions that benefit troubled persons and their families in our community. He stated that they were very pragmatic from the beginning; wanting to strike a middle ground between pity and punishment with equal attention focused on services and sanctions. Mr. Vanzo noted that after the 1998 Board resolution, other partners joined including City Council Member Jan Drago, Representative Helen Sommers, the Pioneer Square Community Council, the Metropolitan Improvement District, the Downtown Seattle Association, and the Capitol Hill Chamber of Commerce, as well as representatives from a variety of State agencies, business and neighborhoods, treatment and housing providers, Social Service agencies, and City and County government. He noted that of late the City of Tacoma had mobilized a similar effort and they had had considerable success in their community. Mr. Vanzo stated that they were partnering with the Veterans Administration. He said that they knew that a number of homeless people on city streets who were alcohol impaired had veteran status, and at the time they first approached the Board in '98 they had not yet had the opportunity to create a partnership with the vets Administration. He added that the vet's service providers at the Federal, State and County level, had been very active players with them in helping intervene in the lives of the men and women who were veterans and who were affected by problems related to chronic public inebriety.

Mr. Vanzo described to the Board how managing products with Good Neighbor Agreements in Alcohol Impact Areas was but one element of a comprehensive plan. He stated that their focus was on services and sanctions and that sanctions had been initiated in the form Good Neighbor Agreements in Alcohol Impact Areas. He added that they had also tried to balance those agreements with an increase in treatment options; significant increases since '98 in housing options and in intervention services. He stated that they were also attempting to support good public policy development.

Mr. Vanzo stated that he understood that there were questions about displacement. Mr. Vanzo stated that the experience in other municipalities, most significantly Portland, Oregon, demonstrated that there might initially be some outward migration from high concentration of alcohol outlet areas to surrounding neighborhoods. However he added that if the alcohol vendors did not choose to sell the particular products that had been banned in other areas - low cost, high fortification, large size alcohol products - then the lack of a concentration of amenities caused the majority of the population to move to new settings that provided that concentration of desired amenities with a minimum of restriction or difficulty in availing themselves of those amenities.

Mr. Vanzo stated that they were currently working to bring the Washington State Liquor Control Board rulemaking process forward, which the Board of Health stimulated with their resolution in 1998. He added that they were working to comply with local responsibilities under the rule. Mr. Vanzo stated that the City of Seattle passed the Alcohol Impact Area

Ordinance in August of 2000. He stated that they would be asking the Liquor Control Board, through the City Council, to declare the Pioneer Square area the first Alcohol Impact Area in the State. He added that the city of Tacoma was moving so quickly that they might move ahead of Seattle in that regard.

Mr. Vanzo stated that a great deal had already been accomplished however regulatory action was still needed. He stated that they had accomplished a lot by building collaborations and neighborhood rapport and working with citizens and vendors. However, he said, all it took was one vendor who did not want to comply. He mentioned that in the Pioneer Square area there were two vendors who did not wish to comply; one of them was currently out of business and the other had no intention of signing any voluntary agreement. He stated that it was very easy to walk that neighborhood and see stores that had previously sold those products. He stated that those stores no longer had inebriated people going in and out and lingering in the area.

Mr. Vanzo again thanked the Board for jump starting their efforts with the Board of Health resolution. He turned the meeting over to his colleague, Ms. Nancy Woodford.

Ms. Woodford announced that in addition to serving as the Pioneer Square community liaison to the AIA, she currently chaired the Public Safety Committee for Pioneer Square, and represented residents on the West Precinct Advisory Council Board. She thanked the Board for their interest in the issue.

Ms. Woodford stated that a number of people had volunteered hundreds of hours working on this important public safety issue. She referenced the comprehensive nature of their work. She emphasized the focus on treatment and services not only to help chronic public inebriates [CPI's] in their struggle, as well as to help impacted neighborhoods. She stated that they found that they had achieved compliance from storeowners to an extent, only when it was attached in some way to their lease. She stated that they approached landlords and worked with them. She added that if it was contingent on their lease being signed, they would be willing then to take a look and sign the Good Neighbor Agreement, AIA.

Ms. Woodford stated that Mr. Vanzo had mentioned one storeowner that would not comply - Saveway Market on Occidental. She added that that market had been the only hold out in Pioneer Square as far as signing and complying with the Good Neighbor Agreement. She added that they continued to advertise the sales of prohibited products and that their actions were unfair and hurt the good neighbor stores who were already in full compliance. She added that it also caused a shift in the areas negatively impacted within the neighborhood. Ms. Woodford stated that the Campbell Fuller on Yesler was recently closed. She stated that it was a store that due to pressure from the property owner had signed an agreement but that it had never been in compliance with the Good Neighbor Agreement. She added that the building was going to be completely redone. She noted that the people who previously hung out near that store had now moved to Occidental Park, which was in close proximity to Saveway. Ms. Woodford stated that you did not need to travel too far in Pioneer Square to observe this behavior. She added that Saveway was a major negative player during the most Mardi Gras in Pioneer Square. She stated that Saveway was cited for infractions. She said that she also understood that Saveway was attempting to transfer the liquor license to a relative so that the citations would be removed and they could then begin with a slate clean of any violations.

Ms. Woodford stated that the community needed passage of the ordinance in order to level the playing field for everyone in Pioneer Square. She urged the Board's continued support and invited Board members to contact their colleagues on the Seattle City Council.

Vice Chair Hutchinson acknowledged Board Member Gossett.

Board Member Gossett stated that he had recently been asked a question when he attended a meeting of the Capital Hill Community Council that he had difficulty answering. He asked how it could be considered good public policy if the actions taken by one neighborhood resulted in shifting the problem somewhere else without addressing the underlying problem.

Ms. Woodford responded that Gary Johnson would be addressing that question later on in the panel presentation.

Board Member Pageler interjected and stated that she would attempt to answer the question from a policy perspective. She stated that as long as the non-cooperative storeowners knew that they could get away with not signing the voluntary Good Neighbor Agreement and continued to gain profits by exploiting this population, they would do it. She added that if they enacted this ordinance for Pioneer Square, the merchants in Capitol Hill would understand that if they continued to contribute to the deaths of chronic public inebriates by feeding their habits, they would extend the ordinance to Capitol Hill. She said it was thus in their own interests of business survival to be good neighbors. Board Member Pageler stated that she thought as long as this type of behavior was tolerated by merchants that CPIs would continue to be exploited. She stated that she agreed that they needed to provide help for people to solve their problems and that part of that help was to build a network of restrictions so that it became more difficult for them to find the products that were killing them. She added that she thought that was a compassionate response. She stated that with children it was considered compassionate to keep poisons off the low shelves and put them up on the high shelves and in a locked closet. She stated that with people who've become children mentally by virtue of their addictions, one has to provide those protections for them as a matter of public policy. She added that that was not all you should provide for them, but that it was a big piece of it. She stated that since they embarked upon this policy path with Ron Sims' great leadership, a crisis triage unit would be opening soon. She added that a number of other supports were also in place. She concluded by stating that restrictions on access to products had to be part of the plan.

Mr. Gary Johnson thanked Council Member Pageler. He stated that the Department of Neighborhoods got involved in the process when the Pioneer Square stakeholders came to them and asked for support. He stated that he felt it was their mission to help build strong, safe neighborhoods and therefore they elected to get involved. He stated that in addition to work in Pioneer Square they had also been working in the surrounding neighborhoods such as the commercial core, the International District, Belltown, Denny Triangle, and Capitol Hill on similar Good Neighbor Agreement processes. He restated Board Member Pageler's point about how very difficult it was given the apparent structural disincentive to cooperate. He commented that the problem they repeatedly encountered in Pioneer Square, where he added that the voluntary process had failed, was that since they never received full compliance, the test was very inclusive. He stated that he did not know how it would have worked in Pioneer Square in a pilot phase had they gotten full compliance. He stated that the fact that the Saveway Market never complied and had indicated that they didn't intend to comply, really made it difficult for the other markets; especially those where the landlords told them they were going participate or their leases would not be renewed. Mr. Johnson called for a level playing field and stated that playing by the same rules allowed for fair competition.

Mr. Johnson stated that as part of their report to the Seattle City Council in January they would report that the voluntary system didn't work. He added that they would be seeking

directive from the City Council to approach the State Liquor Control Board and ask that restrictions be made mandatory in Pioneer Square. He mentioned the status of the effort in the city of Tacoma comparing the four or five licensees in Pioneer Square to the 56 in Tacoma's proposed Alcohol Impact Area. He noted that Tacoma City Council passed their final ordinance within the last couple of weeks and had directed staff to go to the Liquor Control Board. He added that the first hearing was scheduled for the following Monday night. He anticipated that Tacoma would get a

decision from the Liquor Control Board before Seattle and that that would be instructive to their efforts.

Mr. Johnson stated that it was important to keep in mind that sale of alcohol was a privilege and not a right. He added that it came down to the responsible marketing of products. He stated that unfortunately a number of mini marts had carved out a niche which had been very profitable for them, but their profits were borne on the backs of vulnerable, addicted people. Mr. Johnson expressed his thanks for the Board's early and ongoing support. He stated that he hoped they could continue to count on the Board as they moved ahead with their process with the Seattle City Council and Washington State Liquor Control Board. Mr. Johnson turned the presentation over to Ms. Shannon Doolittle.

Ms. Doolittle indicated she wanted to provide a different perspective. She said that she worked in the International District neighborhood. She stated that her neighborhood tended to play "ping pong" with Capitol Hill and Pioneer Square. She added that when one of the neighborhoods were successful it meant displacement into her community and vice versus. She stated that her organization had coordinated the voluntary Good Neighbor Agreements in her neighborhood for about five years. She stated that every year it was the same three licensees that refused to sign. She stated that these same licensees understood that they were part of the problem but they believed it was the police department's job to get the CPI's off the street.

Ms. Doolittle stated that her organization supported the service aspect of the plan. She stated that they supported the sanctions piece. She echoed Board Member Pageler's comments and stated that once the AIA was passed it gave her neighborhood leverage. She stated that her organization had offered business neighborhood economic incentives and business development. She noted that they had called upon the University of Washington's Business Development Program to help and still some storeowners refused to participate.

Ms. Doolittle stated that detox calls for 911 had gone up twofold in two years. She stated that preliminary numbers for 2001 indicate an increase over 2000. She stated that regulatory intervention was the next step. Ms. Doolittle concluded her remarks by thanking the Board for their continued support.

Mr. Johnson said that he had forgotten to respond to the question posed by Board Member Gossett in regards to displacement. He stated that he was aware of the perception that significant displacement phenomena had happened on Capitol Hill in the Broadway area. He stated that from his perspective, since full compliance had not been achieved, that there really had not been that significant a change in the availability of these products in Pioneer Square, thus no incentive or reason for CPI's to travel up to Broadway to get products that remained available in Pioneer Square. He stated that the numbers did not indicate a significant displacement out of Pioneer Square to other neighborhoods.

Mr. Vanzo stated that the problems associated with chronic public inebriety were going to flourish wherever stores sold the products of choice and wherever it was easy to score a

handout. He stated that given the street scene in downtown Seattle it was significantly harder now to score a handout of a quarter, fifty cents, or a dollar, from someone in downtown Seattle than it was up on Broadway. He stated that he taught part time at Seattle Central Community College and had had a chance to observe that behavior. He added that the easiest place in town to put a hand out and ask for money was on Broadway near Pine. He stated that for some of the inebriates, given the bus system and transportation in the City, they found that if they have to hustle for their product, Broadway was an easier place to go and score quicker than hanging around in downtown Seattle. He stated it was just part of the phenomena of the drink, the bottle gangs of the drinking culture, that they had to think about as they moved toward regulatory action.

Mr. Vanzo recapped the panel presentation. He stated that the Alcohol Impact Area (AIA) was a designation that a City or municipality or county could give to a geographic area. They then collected data in that area in order to show that there was a desperate effect by the over sale and service of these products. He stated that the next step was to go to a Liquor Control Board and ask them to enforce to a different standard. He added that the Good Neighbor Agreements were a necessary precursor to an Alcohol Impact Area. He stated that you had to have tried the person-to-person approach, the neighbor-to-neighbor approach to get as many people as possible to participate voluntarily. If that failed he said, you could move to an Alcohol Impact Area designation as the City Council did for a confined area in Pioneer. He stated that they would be bringing that data back to the City Council and asking them to in turn ask the Liquor Control Board to enforce to a different standard. Mr. Vanzo asked that the Board stay the course with them and continue to ask the Liquor Control Board to follow through on what it said it would do in impacted areas, and that was to enforce to a different standard.

Vice Chair Hutchinson acknowledged Board Member Conlin.

Board Member Conlin thanked the panelists for their presentation and the people who had been involved in addressing the problem. He noted the number of volunteers who had devoted numerous hours and staff who have also volunteered their time above and beyond their regular hours. He stated that the issue of alcohol impact areas was one of the first issues he had encountered as a new member of the Board of Health and that he was initially very skeptical about the issue. He said the evidence, the information and the real thoughtfulness of the program had persuaded him. He recognized that it was the right thing to do. He said he was now at the stage of wondering what could be done next to move this forward. Board Member Conlin asked that the panelists describe the next steps.

Mr. Johnson stated that the ordinance would direct them to go to the Liquor Control Board to ask that restrictions become a part of license conditions. He stated as an example that they would seek restrictions regarding: the hours that alcohol could be sold, bans on single can sales, and a ban on certain products.

Board Member Conlin asked if that was because they currently did not already have the authority to impose those restrictions and needed the Liquor Control Board to take action.

Mr. Johnson stated that that was correct.

Board Member Conlin asked if that would then be done by ordinance.

Mr. Johnson stated that that was correct.

Board Member Conlin asked if they were at the stage where it was appropriate to start designating the Alcohol Impact Area geographically so that they could begin moving to the second stage of the process.

Mr. Johnson responded that he thought that that was a strategic question. He said that it was his understanding that for each new area going down that path that they had to start with a mandatory pilot program, just like what was done in Pioneer Square.

Board Member Conlin stated that he could appreciate the idea that if the enforcement started in Pioneer Square that in neighborhoods like Belltown and Capitol Hill, the businesses there would sit up and take notice. He said that he wanted to make sure neighborhoods and businesses were given the appropriate message and that they paid attention to that message. He said that he would be interested in hearing back from the committee members when they were ready to make movement in that direction.

Mr. Vanzo stated that they were in the in the process of providing technical assistance to a variety of neighborhoods contiguous with the Pioneer Square area who had expressed interest in finding out more information.

Vice Chair Hutchinson acknowledged Board Member Pullen.

Board Member Pullen thanked the panelists for their efforts to help neighborhoods and deal with the impacts of alcohol abuse. He acknowledged that he had long felt that the only way they were going to get a handle on the problem was through the family unit. He stated that people began drinking based on the attitudes about drugs they learned from the family unit and that was where ultimately he thought they were going to make real progress in the future.

Board Member Pullen said that whenever he heard words like "We're going to enforce to a different standard," it immediately set off warning bells. He stated that the Fourteenth Amendment to the U.S. Constitution provided that there should be equal protection under the law. He cited Article 1, Section 12 of the State Constitution as having similar guarantees. He stated that courts traditionally had taken a dim view of enforcing to different standards because of those Constitutional protections. He asked if they had reviewed any court cases or whether they had good legal analysis that would indicate that enforcing to a different standard would meet Constitutional muster.

Mr. Donald Lachman introduced himself and said that he served as the partnership consultant for the CPI initiative. He stated that Board Member Pullen had raised a question that had also come up early on for the Washington State Liquor Control Board; specifically under what authority would the Board enact an Alcohol Impact Area. That question was brought to the Attorney General's Office which rendered an opinion that it was within the Liquor Control Board's authority and that it would meet any legal challenge. Mr. Lachman said that was why they were able to move forward to adopt a rule creating Alcohol Impact Areas.

Vice Chair Hutchinson asked Dr. Plough what was being asked of the Board of Health.

Dr. Plough responded that the Board could vote to send a letter to the State Liquor Control Board in support of those policy directives and the actual changes in their licensing standards that this body had put together. He added that the Board could wait to see what those policy directives looked like after the Seattle City Council meeting and then charge the Department to work with the Solutions Committee.

Vice Chair Hutchinson acknowledged Board Member Conlin.

Board Member Conlin moved that the Board send a letter to the Liquor Control Board supporting the implementation of Pioneer Square Alcohol Impact Area ordinance. The motion was seconded.

Vice Chair Hutchinson called for a vote. The motion passed.

Mr. Johnson asked Board Member Conlin if it would be helpful for the Board of Health to send a letter of support to the City Council as well.

Board Member Conlin suggested that a copy of the letter be forwarded to the City Council. He added that he and Board Member Pageler would be happy to inform their colleagues on the City Council.

Mr. Johnson stated that there were members of the Seattle City Council that were still skeptical about the issue. He added that there were a number of remaining questions that needed to be asked and answered. He said he thought they needed to continue talking with members of the Council to make sure that they understood the thoroughness of what they were attempting and the thoughtfulness with which it was put together. He added that it was not necessarily going to be an easy vote for the City Council to take.

Vice Chair Hutchinson acknowledged Board Member Conlin.

Board Member Conlin indicated that they would work with the panelists to craft the letter and do the follow up.

Budget Overview Follow Up

Dr. Plough indicated that he had one final item under the Director's Report - follow up on the budget overview. Dr. Plough mentioned that the Board had asked about the potential impacts of the \$10 million State budget cuts to local public health, specifically Public Health Seattle/King County. Dr. Plough stated the following highlights:
Reduced support of the drinking water Group B systems that prompted the Department to rescind its decision to offer a reduction on fees.

A \$174,000 cut which would eliminate all State funding from the Northwest Family Center, which the Public Health Department runs. Dr. Plough noted that the Northwest Family Center was an organization that worked with women who are HIV-infected, to prevent cases of pediatric Aids transmission. He stated that the program was nationally recognized.

Elimination of funding for Child Death Review. King County has a very extensive child death review where multiple agencies work together to understand the causes of sudden and unexpected childhood death. Last year the King County Child Death Review Community examined 66 deaths of children, 17 years and younger.

Youth suicide prevention. Suicide ideation and suicide attempts amongst teenagers and young people are the number one suicide related statistic. The State proposed cuts of \$238,000 statewide.

The largest AIDs cut was a \$ 3 million dollar cut to the Aids Omnibus Grant; prevention dollars that are allocated statewide. Those cuts would disproportionately affect King County.

Over 70% of all of the AIDs cases diagnosed in the State of Washington occur in King County. About 60% of all the people treated for AIDs HIV are in King County. A cut of this magnitude would have tremendous impact on the Department's ability to deal with AIDs HIV.

Dr. Plough stated that those cuts were just a few of the proposed cuts by the State Health Department and did not include those cuts proposed by DSHS. He noted that reductions in mental health and DSHS's alcohol and drug services would put tremendous pressure on jailhouse services and jailhouse costs that were allocated to every municipality in the region.

Vice Chair Hutchinson asked if there were any questions for Dr. Plough.

Vice Chair Hutchinson acknowledged Board Member Van Dusen.

Board Member Van Dusen asked Dr. Plough what programs had been retained.

Dr. Plough responded that they had written letters to the Governor regarding the impropriety of the \$10 million cuts. He added that they had also written letters to Secretary of Health, Mary Selecky, for protecting very important sources of Public Health funding such as the local capacity development funds.

Board Member Van Dusen inquired whether or not it would be appropriate for the King County Board of Health to send a letter to the Governor in addition to other letters that have been sent to ask for his sincere consideration in protecting public health as much as possible.

Vice Chair Hutchinson suggested that if the Board did send a letter that they look at the competing budgets, particularly in public safety. He said he understood that in King County 69% of the budget was dedicated to public safety. He added that one of the proposals by the County Executive was to cut such things as the North Rehabilitation facility. He said he did not know what had motivated that decision. He stated that he thought they needed to look at alternatives to jail to see if some of those monies could be shifted down line to human services because they were related in many ways.

Dr. Plough responded that the North Rehab facility had been maintained in the budget albeit with reduced capacity.

Vice Chair Hutchinson acknowledged Board Member Conlin.

Board Member Conlin stated that he thought the conversation to be an important one. He stated that he and Board Member Pageler had emphasized to the City Council that when they talked about public safety, they needed to talk about public safety and health together because those concepts were linked. He pointed out that in light of recent events that had unfolded over the last several months, it was clear that public health was an essential component of public safety. He stated that one of the things that he would suggest to the City Council would be to look at a major effort to build a new coalition around public health funding. He added that he thought the coalition could reach out beyond the traditional public health supporters and attempt to reach into communities and interest groups that perhaps had not paid much attention to public health in the past. He added that the coalition would then go to the Legislature with a message about the close integration of public health and safety. He added that that approach was very much in its infancy but that it was something that he would like the Board to consider as part of their agenda.

Board Member Conlin stated that he also had some tentative good news in terms of public health funding from the City of Seattle. He stated that their initial discussions on the budget, to be voted on the following Tuesday in Committee, looked as though they had a very good chance of being able to preserve the enhanced health funding dollars. He stated that they had a tentative agreement to dedicate those dollars to childhood asthma programs, increased methadone slots and public health well child visits -three programs selected for the use of those dollars. He concluded by stating that he thought the only way they were going to be able to continue to support public health priorities was to think about new coalitions and new ways of portraying public health in the public mind.

Vice Chair Hutchinson stated that there had been discussion between Suburban Cities and the County regarding the renewal of jail contracts. He stated that the discussions tended to be confined to the cost of jails. He stated that he thought that irrespective of the arena, they should expand the discussion to consider the policy questions and include health in the discussion and alternatives to jail.

Vice Chair Hutchinson acknowledged Board member Van Dusen.

Board Member Van Dusen asked if the Department could provide information about what would not get done if the fee increases were not approved.

Dr. Plough stated that staff could present that information.

Vice Chair Hutchinson asked if there was anything else for the good of the order. He then called upon Board Member Thompson to provide his perspective on the Local Boards of Health conference.

Board Member Thompson stated that, as had been mentioned by Vice Chair Hutchinson, that Tom Milne, the Executive Director of the National Association of County and City Health Officials, had done the initial presentation. Mr. Thompson indicated that Mr. Milne divided his remarks into what had happened before September 11th and what had happened afterwards. Board Member Thompson summarized Mr. Milne's remarks as follows: With respect to before September 11th, Mr. Milne noted that we had a new administration with new priorities. That Secretary Thompson was seen as bringing new skills and strengths to the organization, however, his vision for public health was still not clear. Former Governor Christy Todd Whitman had slowed regulatory implementation initially but now appeared to be on track in terms of advancing public health. Senators Frist and Kennedy, Republican and Democrat respectively, proposed \$100 million in this past year for public health. There was a joint council conference of state and local public officials that developed a document regarding principals of working together. The focus should be on performance measures in the tradition of public health, developing a health alert network, local centers for public health preparedness, mobilizing action for partnering for prevention and tobacco control and prevention programs. He posed questions about what health departments should be doing in their partnerships with communities in order to increase preparedness, better integrate systems of public health, and increase accountability to assure that certain standards were met. That there be improved rapid and secure communication with clarified roles of all parties involved and that steps be to increase and augment the public health infrastructure.

With respect to post-September 11th, Board Member Thompson indicated that Mr. Milne had noted that the initial response of government was a rescue operation with public health involvement only later emerging and becoming more necessary after the anthrax business. The Senate Appropriations Committee hearings did include public health officials and it did appear that appropriations for public health would occur but there were concerns about the

distribution of the money because of the Administration's proposals for local and state public health appropriation appeared to be inadequate. Local health departments prior to the anthrax situation appropriated only 20% of local health department fees for comprehensive in its preparedness. Areas for building capacity were of concern in terms of resource and ability to do planning. It was important that work be done to enhance information systems and educational and communication systems between health departments and emergency providers who were a significant resource. That there be syndrome surveillance so that early diagnoses could be made. That there be enhancement of skills of local public health work force, especially in epidemiology and surveillance. That there be an addressing of core public health capacities in assessment, assurance and policy development. He noted that bioterrorism had introduced our biggest enemy, and that was fear. There needed to be improved skills and risk communication especially at a federal level.

Board Member Thompson described the four round table discussions on early intervention, methamphetamine labs, water and wastewater, and bioterrorism. He summarized each of the four round table discussions. Board Member Thompson stated that he found the conference to be very useful, educational and invigorating.

Vice Chair Hutchinson thanked Board Member Thompson. He asked if there was any further business.

Vice Chair Hutchinson acknowledged Board Member Thomas.

Board Member Thomas stated that that day's meeting would be his last as a member of the King County Board of Health. He stated that it had been his pleasure to get to know each Board member. He stated that he wished he could have stayed longer. He added that health was not an area he had a great deal of familiarity with but that he had enjoyed the opportunity to serve on the Board.

Vice Chair Hutchinson thanked Board Member Thomas.

Vice Chair Hutchinson adjourned the meeting.

KING COUNTY BOARD OF HEALTH

s/Greg Nickels/s